IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 1415 of 1988

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GAMJUBHAID.PAWAR & 1 - Petitioner(s)

Versus

STATEOFGUJARAT & 2 - Respondent(s)

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Appearance :

MR KG VAKHARIA for Petitioner(s) : 1 - 2.
GOVERNMENT PLEADER for Respondent(s) : 1 - 3.
MR HM BHAGAT for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 03/10/2005

ORAL JUDGMENT

In this petition under Article 226 of the Constitution of India, the petitioners have prayed for an appropriate writ, direction or order for quashing and

setting aside the orders passed by the Dy. Conservator of Forest, South Division, District Dang dated 5.2.1988 as well as passed by the Collector, Dang dated 6.2.1988 in rejecting application of the petitioners for allotment of the land in question for cultivation from the land bearing Survey No.106 paiki situated at village Songir. This petition is directed to be heard along with Special Civil Application No.6036 of 1984 and it is reported that the said Special Civil Application is dismissed on merits by the Division Bench of this Court (Coram: Hon'ble Mr. Justice B.C.Patel and Hon'ble Ms. Justice R.M.Dosit, JJ.) by its judgment and order dated 21.11.85 considering the fact that the land in question is declared as Reserved Forest and the same cannot be alloted without the prior permission of the Central Government as required under Section 2 of the Forest Conservation Act, 1980. Even otherwise in the affidavit-in-reply, it is also stated that in view of the fact that the land in question is Reserved Forest, the same cannot be alloted to the petitioners. For the same reason and for the reasons stated by the Division Bench of this Court in its judgment and order dated 21.11.95 in Special Civil Application No.6036 of 1984, the present Special Civil Application is required to be dismissed and is, accordingly, dismissed.

Rule is discharged. Ad-interim relief, if any, stands vacated forthwith. However, there will be no order as to costs.

(M.R.SHAH, J.)

kdc.